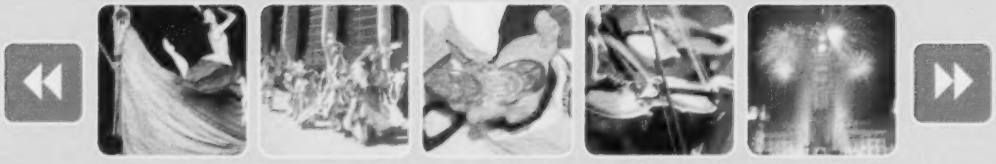
Canadian Heritage | Patrimoine canadien

Canada

Access to Information Act

Annual Report 2010-2011



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Access to Information Act

ANNUAL REPORT
(April 1, 2010 to March 31, 2011)

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Access to Information Act

ANNUAL REPORT
(April 1, 2010 to March 31, 2011)

1.0 Introduction

Canadian Heritage is pleased to present to Parliament its annual report on the administration of the *Access to Information Act* for fiscal year April 1, 2010 to March 31, 2011. Section 72 of the *Act* requires that the head of every federal government institution submit an annual report to Parliament on the administration of the *Act* during the fiscal year.

The purpose of the *Access to Information Act* is to provide a right of access to information in records under the control of a government institution. It maintains that government information should be available to the public; that necessary exceptions to the right of access should be limited and specific; and that decisions on the disclosure of government information should be reviewed independently of government.

Canadian Heritage is fully committed to both the spirit and the intent of the *Access to Information Act* to ensure openness and transparency within the Department. The information contained in this report provides an overview of the activities of the Department in implementing the *Act*.

2.0 Mandate of Canadian Heritage

The Department of Canadian Heritage and Canada's major national cultural institutions play a vital role in the cultural, civic and economic life of Canadians. We work together to promote culture, the arts, heritage, official languages, citizenship and participation, as well as Aboriginal, youth, and sport initiatives.

The Department of Canadian Heritage is responsible for formulating policies and delivering programs that help all Canadians participate in their shared cultural and civic life. The Department's legislative mandate is set out in the *Department of Canadian Heritage Act*, which offers an extensive but not exhaustive list of responsibilities for the Minister under the heading of "Canadian identity and values, cultural development, and heritage."

The Department oversees the administration of a large set of governing legislation, notably: the *Broadcasting Act*, the *Copyright Act* (shared with Industry Canada), the *Official Languages Act* (Part VII), the *Museums Act*, the *Cultural Property Export and Import Act*, the *Status of the Artist Act*, the *Physical Activity and Sport Act* (shared with Health Canada) and the *Investment Canada Act* in the cultural sector.

The Department of Canadian Heritage is specifically responsible for formulating and implementing cultural legislation related to copyright, foreign investment and broadcasting, as well as policies related to arts, cultural industries, heritage, official languages, sports, state ceremonial and protocol, and Canadian symbols. The Department's main activities involve funding community and other third-party organizations to promote the benefits of culture, identity, and sport for Canadians.

The Minister of Canadian Heritage and Official Languages is responsible for the Department, and is assisted by the Minister of State for the Status of Women and the Minister of State for Sport. The Canadian Heritage Portfolio includes the Department, five departmental agencies, nine Crown corporations and one administrative tribunal.

3.0 The Access to Information and Privacy Secretariat

The Access to Information and Privacy (ATIP) Secretariat is responsible for administering the *Access to Information Act* within Canadian Heritage. Its mandate is to act on behalf of the Minister of Canadian Heritage in ensuring compliance with legislation, regulations and government policy and to create departmental directives, including standards, in all matters relating to the *Act*. The powers, duties and functions of the administration of the *Access to Information Act* have been fully delegated by the Minister to the Director of the Access to Information and Privacy Secretariat.

During the reporting period, the Secretariat consisted of the following positions: Director, Deputy Director, 6 analysts, a project manager and 2 administrative support staff. In the departmental organizational structure, the ATIP Secretariat reports to the Corporate Secretary for Canadian Heritage.

The activities of the Access to Information and Privacy Secretariat include:

- receiving and processing requests in accordance with the *Act*;
- promoting awareness of the *Act* within the Department;
- preparing the annual report to Parliament, the annual statistical report and maintaining the Department's *Info Source* chapter;
- monitoring departmental compliance with the *Act*; and
- providing professional advice and guidance to senior management and all departmental staff on the *Act*.

Over the past few years, the ATIP Secretariat has been streamlining its procedures for processing requests. In this fiscal year, a new software system was installed to allow the ATIP Secretariat to more easily review records electronically. Records retrieval requests are now sent to program areas via email. A new procedures manual was created for the ATIP staff that takes account of the changes.

4.0 Administration of Requests under the *Access to Information Act*

4.1 Access Requests

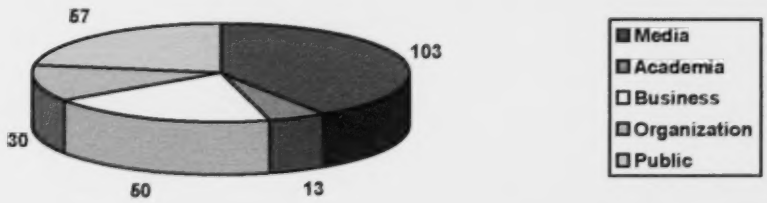
The Access to Information and Privacy Secretariat received a total of 253 requests during the reporting period of April 1, 2010 to March 31, 2011. One hundred and thirty seven requests were carried over from the previous reporting period for a total of 390 active requests. See Appendix 2.0 for the Report on the *Access to Information Act*.

The requests for information received by Canadian Heritage cover a wide range of topics, however, as in previous years, certain subjects tend to predominate. For this reporting period, the most frequently requested information related to the Vancouver 2010 Olympic and Paralympic Winter Games. Information pertaining to the costs of Royal visits was often requested. Other information sought pertained to communications between Canadian Heritage and the Canadian Radio-television and Telecommunications Commission.

Requests were also made for information related to the grants and contributions process, including the criteria for determining funding and evaluations of requests for funding. As is common across most government departments, Canadian Heritage received requests for briefing notes to the Minister, Question Period card information and information released under previous requests. A number of routine requests were also received including requests for call ups for temporary help services, contract proposals evaluations and deliverables.

4.2 Applicant Sources

Of the requests that were received this reporting period, the majority of Canadian Heritage's client base under the *Access to Information Act* consists of the media (40.7%) and the public (22.5%). This is consistent with previous reporting periods. The remaining requests were from businesses (19.8%), other organizations (11.9%), and academia (5.1%).

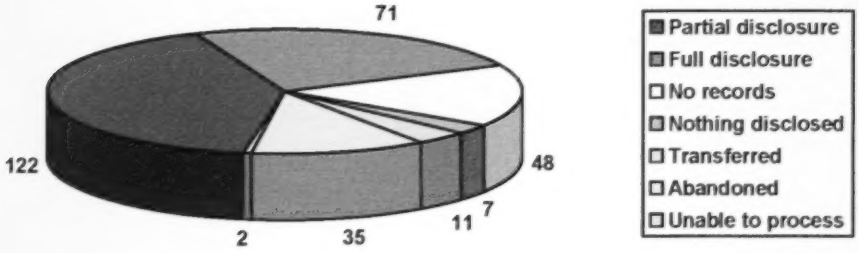


4.3 Extensions

Requests can be extended beyond the 30-day statutory time frame in three circumstances. This reporting period, extensions were taken in 143 cases. In 16 cases, the department required a 30-day time extension to allow for document searching or consultation with other federal institutions. In 127 cases, an extension of over 30 days was required, including 14 for searching, 72 for consultation and 41 for consultation with third parties.

4.4 Completed Requests

Two hundred and ninety-six requests were completed by the end of March 2011. The majority of requests completed resulted in either a full disclosure of information (71 requests) or partial disclosure of information (122 requests). Information was exempted or excluded entirely in seven requests. Of the fifty requests that could not be processed, the department had no records for 48 requests. Forty six requests were either transferred to other federal institutions or were abandoned by the applicants.



All the requests received and closed this reporting period were completed within the statutory timeframe. While trying to ensure that new requests were completed on time, the ATIP Secretariat made a concerted effort to complete outstanding files. Of the files that were in a deemed refusal status on April 1, 2010, 67 were completed within the reporting period.

The 296 completed requests were processed in the following timeframes:

- 153 requests completed within 30 days (51.7%);
- 28 requests completed within 31 to 60 days (9.5%);
- 33 requests completed within 61 to 120 days (11.1%);
- 82 requests completed within 121 or more days (27.7%).

4.5 Exemptions / Exclusions

In the processing of requests, exemptions to withhold information were invoked 318 times. The exemptions most commonly applied by the department were: section 19(1), (records containing personal information), applied in 82 requests; section 21(1) (information relating to the internal decision-making processes of government) invoked 114 requests; and section 20(1) (records containing third-party business information) which was invoked 37 requests.

Exclusions were applied a total of 63 times. Fifty nine times were under section 69(1) (confidences of the Queen's Privy Council for Canada) and three were under section 68(a) (published material).

4.6 Complaints and Investigations

Thirteen complaints regarding the processing of access to information requests were filed with the Office of the Information Commissioner of Canada against Canadian Heritage in the fiscal year. This is a continued reduction in the number of complaints received. In fiscal year 2008-2009 the number of complaints totaled 36 while in 2009-2010 there was a total of 19 complaints received. The reasons for the 13 complaints are: delayed responses (2), length of extensions (1), missing information (1) and refusal to provide information (9).

The Office of the Information Commissioner also completed their investigation into thirteen complaints on Canadian Heritage. Their findings concluded that three complaints were not substantiated, four complaints were discontinued as they were either resolved prior to the investigative process or were abandoned by the applicant and six complaints were deemed to be resolved. Of the six resolved complaints, four related to complaints on delayed responses, one involved exempted information and one related to the format of the requested information.

4.7 Federal Court Cases

An application, filed with the Federal Court (T-1249-08) by Reader's Digest Magazines Limited, which was made in regard to the decision of Canadian Heritage to disclose particular records containing third party information belonging to Reader's Digest Magazines Limited, is ongoing.

4.8 Consultations

To assist other government institutions in processing their requests, the ATIP Secretariat reviews and provides recommendations on the disclosure of records that concern Canadian Heritage. During the reporting period, the ATIP Secretariat received a total of 110 consultation requests from other federal institutions. More than half of the consultations received were from 5 departments; Public Works and Government Services Canada (PWGSC) (14 requests), Treasury Board Secretariat (12 requests), Industry Canada (12 requests), the Department of Foreign Affairs and International Trade (DFAIT) (10 requests) and the Privy Council Office (10 requests).

The remaining consultations were from other government departments and agencies, and provincial or municipal governments.

4.9 Fees and Costs

Under the legislation, fees for application and reproduction of a record can be charged. During the reporting period, total fees collected were $2,572.50. Of this amount, $1,440 was for application fees, and $1,117.60 for reproduction. The policy at Canadian Heritage is to waive reproduction and search fees that are under $25. It is also our policy to waive the fees for overdue requests.

A trend that became evident this fiscal year was that more applicants were requesting to receive copies of the requested records on compact disks rather than receive them as photocopies. Reproduction fees can be charged for photocopies but no fees are charged for compact disks as they are not stipulated in the legislation.

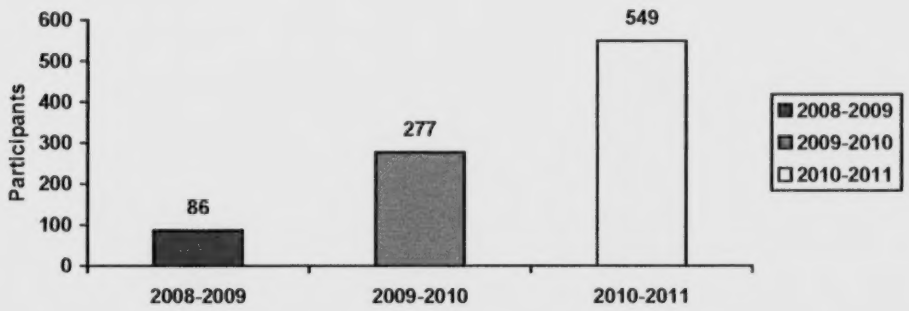
The Access to Information and Privacy Secretariat incurred $785,305.15 in salary costs and $167,152.50 in administrative costs to administer the *Access to Information Act*. During the fiscal year the Secretariat completed staffing its vacant positions. It also upgraded its case management and redaction software so that electronic review of records could be conducted more efficiently.

5.0 Education and Training Activities

To increase the knowledge and understanding of the *Access to Information Act* across the department, training and awareness sessions were delivered to departmental employees. These sessions provided basic information on the purpose and provisions of the *Access to Information Act*, as well as the roles and responsibilities of departmental employees and the ATIP Secretariat. For sessions requested by branches, information was tailored to meet the specific needs of the branch concerned. Also, a special *Info Source* session was given to ensure that program areas understood how to provide information for the annual *Info Source* update.

The ATIP Secretariat has increased its network of colleagues with similar interests within the Department. As a result, information sessions are provided to new departmental staff and managers through the Canadian Heritage orientation program. This program provides an introduction to the key aspects of the Department including who and what we are and how we get things done. Additionally, a kiosk was organized in collaboration with our colleagues in Information Management during National Public Service Week.

The last reporting period, the ATIP Secretariat delivered 19 awareness sessions. With the current reporting year's growing demand, 38 awareness sessions were given on the *Access to Information Act* to departmental employees in the National Capital Region and regional offices. In total, five hundred and forty nine employees attended information sessions.



The internal website for the Access to Information and Privacy Secretariat was regularly revised with new tools and information. The website describes the ATIP Secretariat's roles and responsibilities and provides information on the *Access to Information Act* and related departmental policies and procedures. Additionally, the Department's annual reports on the administration of the *Access to Information Act* have been made available on the Internet site.

6.0 Reporting

The Access to Information and Privacy Secretariat met its reporting obligations for the reporting period, by providing timely input to the Management Accountability Framework (MAF), the Departmental Performance Report (DPR), annual reports, and *Info Source*. The statistical report on the *Access to Information Act* was provided to the Treasury Board Secretariat.

Internally, situation and update reports were provided to the program areas on a regular basis.

CANADIAN HERITAGE

DELEGATED FINANCIAL SIGNING AUTHORITIES CHART

Position Level	POSITION TITLE	AREA OF AUTHORITY	SPENDING AUTHORITY: Section 32 FAA - Commitment Authority	EXPENDITURE INITIATION: Salaries & Other Personnel Costs	Recognition	Travel	Relocation	Isolated Posts	Training and Development	Hospitality	Conferences	Memberships	Standing Advances	Approval of Grants and Contributions	Refunds of Revenue	Claims by and against the Crown	Ex Gratia Payments	Other Goods and Services	Section 34 FAA Contract Performance: Travel, Relocation and Hospitality Claims	Grants and Contributions	Salaries & Other Personnel Costs	Other Goods and Services	Section 33 FAA Payment Authority	OTHER AUTHORITIES: Grant or Contribution Agreements	Losses and licences (Crown as tenant)	Loan Agreement (Materiel/Artifacts/Objects)	Losses of Money	Approve Debt Write-Off	Request or Acceptance of Set-Offs	Write-Off Materiel	Interest & Admin Charges Waiver	Access to Information and Privacy	TB Submissions & other related Documents
			1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31
1	Deputy Minister/Associate Deputy Minister	Department	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F
2	Assistant Deputy Minister/Associate Assistant Deputy Minister/Senior Advisor to the Deputy Minister or equivalent manager reporting to level 1	Assigned Funds Centre(s)/Cost Centre(s)	F	F	F	F	F	F	F	F	F	F		3/50	F	F	F	F	F	F	F	F		F	F	F	F					
3	Regional Executive Director	Region	F	F	F	F	F	F	F	F	F	F		3/50	F	F	F	F	F	F	F	F	F	F	F	F	F		F	F	F		
3	Director General/General Counsel or equivalent manager reporting to level 2	Assigned Funds Centre(s)/Cost Centre(s)	F	F	F	F	F	F	F	F	F	F			F	F	F	F	F	F	F	F		F	F	F						
3	Chief Operating Officer for CHIN and CCI	Agency	F	F	F	F	F	F	F	F	F	F			F	F	F	F	F	F	F	F		F	F	F						
4	Director/Manager or equivalent manager reporting to level 3	Assigned Funds Centre(s)/Cost Centre(s)	F	F		F		F	F	F	F	F			F	F	F	F	F	F	F	F		F	F	F						
5	Chief/Head or equivalent manager reporting to level 4	Assigned Funds Centre(s)/Cost Centre(s)	F	F		F		F	F						F			F	F	F	F	F		F	F	F						
6	Supervisor/Senior Officer or equivalent manager reporting to level 5	Assigned Funds Centre(s)/Cost Centre(s)	F	F		F		F	F									F	F	F	F	F										
7	Administrative Officer/Executive Assistant or equivalent position reporting to any level	Assigned Funds Centre(s)/Cost Centre(s)	F															F	F	F	F	F										
	SPECIAL AUTHORITIES																	10				10										
	Chief Financial Officer (CFO)	Department	F										F		F	F	F	F	F	F	F	F						F	F	F	F		
	Deputy Chief Financial Officer (DCFO)	Department	F										F		F	F	F	F	F	F	F	F						F	F	F	F		
	Director General, Sport Canada	Assigned Funds Centre(s)/Cost Centre(s)	F											F																			
	Director General, Human Resources and Workplace Management (HRWM)	Department	F	F														F			F												
	Corporate Secretary	Department																		F												
	Director, Centre of Expertise for Grants and Contributions	Department	F																														
	Director, Accounting Operations, Financial Policies & Systems	Department	F										F		F	F	F	F	F		F	F	F						F				
	Director, Labour Relations, Compensation and Benefits (HRWM)	Department	F	F														F			F												
	Director, Contracting and Materiel Management	Department																F												F			
	Director, Access to Information and Privacy Secretariat	Department																													F		
	Manager, Compensation and Benefits (HRWM)	Department	F	F																	F												
	Manager, Accounting Operations	Department	F										F		F						F	F	F								F		
	Chief, NCR Client Services	Department																					F										
	Director, Corporate Services or equivalent position	Region	F												F			F	F	F	F	F	F							F	F		
	Financial Officer	Region																					F										

APPROVED BY:

Deputy Minister

APPROVED BY:

Minister

MAY 28 2009

Notes:

1. This Chart must be read in conjunction with the **Notes to the Delegated Financial Signing Authorities Chart** and **Appendix A,** which defines terms/conditions and financial limitations to the Delegated Financial Signing Authorities Chart.
2. The letter **"F"** means that the position has been delegated full authorities **subject to specific authorities and dollar limitations** as described in **Appendix A** for the corresponding column.
3. Where dollar amounts are specified, e.g., 1 = $1,000, these amounts cannot be exceeded. In addition, a blank cell means that no authority has been granted.

Appendix 1.0

Government of Canada / Gouvernement du Canada

REPORT ON THE ACCESS TO INFORMATION ACT
RAPPORT CONCERNANT LA LOI SUR L'ACCÈS À L'INFORMATON

Institution				Reporting period / Période visée par le rapport	
Canadian Heritage / Patrimoine canadien				2010-04-01 to/à 2011-03-31	
Source	Media / Médias	Academia / Secteur universitatire	Business / Secteur commercial	Organization / Organisme	Public
	103	13	50	30	57

I Requests under the Access to Information Act / Demandes en vertu de la Loi sur l'accès à l'information

Received during reporting period / Reçues pendant la période visée par le rapport	253
Outstanding from previous period / En suspens depuis la période antérieure	137
TOTAL	390
Completed during reporting period / Traitées pendant la période visées par le rapport	296
Carried forward / Reportées	94

II Dispositon of requests completed / Disposition à l'égard des demandes traitées

1.	All disclosed / Communication totale	71	6.	Unable to process / Traitement impossible	50
2.	Disclosed in part / Communication partielle	122	7.	Abandoned by applicant / Abandon de la demande	35
3.	Nothing disclosed (excluded) / Aucune communication (exclusion)	1	8.	Treated informally / Traitement non officiel	0
4.	Nothing disclosed (exempt) / Aucune communication (exemption)	6		**TOTAL**	**296**
5.	Transferred / Transmission	11			

III Exemptions invoked / Exceptions invoquées

S. Art. 13(1)(a)	3	S. Art. 16(1)(a)	1	S. Art. 18(b)	0	S. Art. 21(1)(a)	51
(b)	0	(b)	0	(c)	0	(b)	54
(c)	2	(c)	2	(d)	0	(c)	9
(d)	2	(d)	0	S. Art. 19(1)	82	(d)	0
S. Art. 14	6	S. Art. 16(2)	11	S. Art. 20(1)(a)	0	S. Art.22	3
S. 15(1) Art. International rel. / Relations interm.	18	S. Art. 16(3)	0	(b)	27	S. Art.23	26
Defence / Défense	0	S. Art. 17	1	(c)	7	S. Art. 24	9
Subversive activities / Activités subversives	0	S. Art. 18(a)	0	(d)	3	S. Art.26	1

IV Exclusions cited / Exclusions citées

S. Art. 68(a)	3	S. Art. 69(1)(c)	0
(b)	0	(d)	2
(c)	0	(e)	15
S. Art. 69(1)(a)	9	(f)	3
(b)	0	(g)	30

V Completion time / Délai de traitement

30 days or under / 30 jours ou moins	153
31 to 60 days / De 31 à 60 jours	28
61 to 120 days / De 61 à 120 jours	33
121 days or over / 121 jours ou plus	82

VI Extensions / Prorogations des délais

	30 days or under / 30 jours ou moins	31 days or over / 31 jours ou plus
Searching / Recherche	9	14
Consultation	7	72
Third party / Tiers	0	41
TOTAL	16	127

VII Translations / Traduction

Translations requested / Traductions demandées		0
Translations prepared / Traductions préparées	English to French / De l'anglais au français	0
	French to English / Du français à l'anglais	0

VIII Method of access / Méthode de consultation

Copies given / Copies de l'original	193
Examination / Examen de l'original	0
Copies and examination / Copies et examen	0

IX Fees / Frais

Net fees collected / Frais net perçus			
Application fees / Frais de la demande	$1,440.00	Preparation / Préparation	$0.00
Reproduction	$1,117.60	Computer processing / Traitement informatique	$0.00
Searching / Recherche	$14.90	**TOTAL**	$2,572.50

Fees waived / Dispense de frais	No. of times / Nombre de fois	$
$25.00 or under / 25 $ ou moins	34	**$ 251.00**
Over $25.00 / De plus de 25 $	15	**$ 3,823.80**

X Costs / Coûts

Financial (all reasons) / Financiers (raisons)	
Salary / Traitement	**$ 785,305.15**
Administration (O and M) / Administration (fonctionnement et maintien)	**$ 167,152.50**
TOTAL	**$ 952,457.65**

Person year utilization (all reasons) / Années-personnes utilisées (raison)	
Person year (decimal format) / Années-personnes (nombre décimal)	**10.17**

TBS/SCT 350-62 (Rev. 1999/03)

Additional Reporting– *Access to Information Act*
Exigences additionnelles en matière d'établissement de rapports – *Loi sur l'accès à l'information*

Canadian Heritage / Patrimoine canadien

III Exemptions invoked / Exceptions invoquées

S. Art. 13(1)(e)	0
S. Art. 16.1(1)(a)	0
S. Art. 16.1(1)(b)	1
S. Art. 16.1(1)(c)	0
S. Art. 16.1(1)(d)	0
S. Art. 16.2(1)	0
S. Art. 16.3	0
S. Art. 16.4(1)(a)	0
S. Art. 16.4(1)(b)	0
S. Art. 16.5	0
S. Art. 18.1(1)(a)	0
S. Art. 18.1(1)(b)	0
S. Art. 18.1(1)(c)	0
S. Art. 18.1(1)(d)	0
S. Art. 20(1)(b.1)	0
S. Art. 20.1	0
S. Art. 20.2	0
S. Art. 20.4	0
S. Art. 22.1(1)	1

IV Exclusions cited / Exclusions citées

S. Art. 68.1	1
S. Art. 68.2(a)	0
S. Art. 68.2(b)	0
S. Art. 69.1(1)	0